



Entered on Docket
June 17, 2011

A handwritten signature in black ink, appearing to read "R. B."

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

Robert M. Charles, Jr. (NV 6593)
John Hinderaker (AZ 018024)
Marvin Ruth (NV 10979)
3993 Howard Hughes Parkway, Ste. 600
Las Vegas, Nevada 89169-5996
Telephone (702) 949-8320
Facsimile (702) 949-8321
Email: rcharles@lrlaw.com
jhinderaker@lrlaw.com
mruth@lrlaw.com

Attorneys for USACM Liquidating Trust

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR

CHAPTER 11

**Order Sustaining Tenth Omnibus
Objection Of USACM Trust To Proofs Of
Claim Based In Whole or In Part Upon
Investment In The Marlton Square Loan**

Hearing Date: June 14, 2011

Hearing Time: 10:30 a.m.

The Court having considered the "Tenth Omnibus Objection Of USACM Trust To Proofs Of Claim Based In Whole or In Part Upon Investment in The Marlton Square Loan ("Marlton Square Loan") [DE 8350] (the "Objection"); the Court having heard the Objection on June 14, 2011; appropriate notice of the Objection having been given; no response to the Objection having been filed; the Court noting on the record that the disallowance of the Claims listed on Exhibit A does not affect the direct lenders' right to

1 repayment by the borrower or from the collateral securing the Marlton Square Loan; and
2 good cause appearing:

3 **IT IS ORDERED** that:

4 1. The Objection [DE 8350] is sustained; and
5 2. The claims listed on **Exhibit A** attached are disallowed in whole or in part to
6 the extent those claims are based upon an investment in the Marlton Square Loan.

7
8 PREPARED AND RESPECTFULLY SUBMITTED BY:

9 **LEWIS AND ROCA LLP**

10
11 By /s/ John Hinderaker
12 Robert M. Charles, Jr.
13 John Hinderaker (*pro hac vice*)
14 3993 Howard Hughes Parkway, Ste. 600
15 Las Vegas, Nevada 89169-5996
16 Telephone: (702) 949-8320
17 Facsimile: (702) 949-8321

18
19
20
21
22
23
24
25
26

27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100

16 *Attorneys for USACM Liquidating Trust*

1 LOCAL RULE 9021 CERTIFICATION
23 In accordance with LR 9021, counsel submitting this document certifies that the order
4 accurately reflects the court's ruling and that (check one):
56 This Court has waived the requirement set forth in LR 9021(b)(1).
78 XXX No party appeared at the hearing or filed an objection to the motion.
910 I have delivered a copy of this proposed order to all counsel who
11 appeared at the hearing, and any unrepresented parties who appeared
12 at the hearing, and each has approved or disapproved the order, or
13 failed to respond, as indicated below [list each party and whether the
14 party has approved, disapproved, or failed to respond to the
15 document]:
1617 Counsel appearing: _____
1819 I certify that this is a case under Chapter 7 or 13, that I have served a
20 copy of this order with the motion pursuant to LR 9014(g), and that
21 no party has objected to the form or content of the order
22

U.S. Trustee: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

23 Submitted by:
24 LEWIS AND ROCA LLP
2526 By: /s/ John Hinderaker,
27 Attorneys for USACM Liquidating Trust
2829 # # #
30

**USACM Trust
Marlton Square
Multiple Loan Claims**

Claim	Date Claim was Filed	Name	Address	Total Claim Amount	Approximate Amount Subject to Objection Because it Relates to an Investment In the Marlton Square Loan
10725-02000	1/10/2007	Robert L Ogren Trust Dtd 6/30/92	Robert L Ogren Tree 3768 Rick Stratton Dr Las Vegas, NV 89120	1,827,483.14	50,000.00
10725-01472	11/15/2006	Santoro Family Trust Utd 4/29/02	C/O Nicholas J & Juanita Santoro Teees 2312 Pearl Crest St Las Vegas, NV 89134-6732	300,000.00	50,000.00
10725-01367	11/13/2006	Sinett, Sheldon	239 Harbor View Dr Port Washington, NY 11050	100,000.00	50,000.00
10725-01361	11/13/2006	Sinett, Sheldon & Annette	239 Harbor View Dr Port Washington, NY 11050-4706	100,000.00	50,000.00
10725-00774	10/27/2006	Sklar, Barbara	2429 Bryan Ave Venice Beach, CA 90291	200,000.00	50,000.00
10725-02191	1/12/2007	TDS Revocable Family Trust Dtd 9/29/98	T Dwight & Bonnie J Sper Teees 1005 Cypress Ridge Ln Las Vegas, NV 89144-1425	1,778,674.00	100,000.00
10725-02291	1/12/2007	Terry R Helms Living Trust Dtd 11/11/94	Terry Helms 809 Upland Blvd Las Vegas, NV 89107-3719	11,155,754.80	1,000,000.00
10725-00623	10/17/2006	Thibault, Gary A & Sandra C	4525 Dawn Peak St Las Vegas, NV 89129-3235	105,074.00	273.00
10725-00576	10/13/2006	Tischler, Hillari	7408 Doe Ave Las Vegas, NV 89117	166,246.21	52,829.87

EXHIBIT A

USACM Trust
 Marlton Square
 Multiple Loan Claims

Claim	Date Claim was Filed	Name	Address	Total Claim Amount	Approximate Amount Subject to Objection Because it Relates to an Investment In the Marlton Square Loan
10725-01169	11/10/2006	Tomlin, Donald S	Donald S & Dorothy R Tomlin Tree 7145 Beverly Glen Ave Las Vegas, NV 89110-4228	2,779,806.00	251,365.00

EXHIBIT A